

## Remarks

Claims 1–21 are pending in this application. Claims 1–2, 4, 7, 9, and 11–12 have been amended to make editorial changes and to address the examiner’s rejections. No new matter has been added. The new and amended claims are fully supported by the specification.

### Double Patenting

Claims 1–10 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1–26 of U.S. patent 6,865,536. This rejection may be overcome by submitting a terminal disclaimer. However, applicant requests to defer submitting a terminal disclaimer until the claims are allowable apart from the obviousness-type double patenting rejection.

### Section 102 and 103 Rejections

Claims 1–3 have been rejected under section 102 as being anticipated by Barclay et al. (U.S. patent 5,960,399). Claims 4–7 have been rejected under section 103 as being anticipated by Barclay et al. in view of Moshfeghi et al. (U.S. patent 6,216,104). Claims 8–13 and 18–21 have been rejected under section 103 as being unpatentable over Barclay et al. in view of Osborne et al. (U.S. patent 5,751,951). Claims 14–17 are rejected under section 103 as being unpatentable over Barclay et al. in view of Osborne et al. as applied to claims 11 and 12 and further in view of Moshfeghi et al.

### Claims 1–3, 5–6, and 8–21

The cited references do not show or suggest each and every element of the present invention. For example, claim 1 recites “two or more clients, each client comprising the capability to receive audio speech from a user, *store the audio speech in one or more buffers in a raw uncompressed audio format*, each buffer comprising a portion of the received audio speech, *encode a buffer of the received audio speech before all of the audio speech is received*, package the encoded buffer to receive audio speech into one or more packets to be transmitted over the internet before all of the audio speech is received, and transmit a packet of encoded audio speech over the internet before all of the audio speech is received.” These features are not shown or suggested by Barclay and the other prior art references.

Barclay does not teach or suggest storing *audio speech (is in a raw uncompressed audio format) in one or more buffers* and encoding the received audio speech (*in the raw uncompressed audio format*) before all the audio speech is received. At column 5, lines 36–64, Barclay describes a client side of figure 1. At column 5, lines 3, and 11–15, Barclay describes front end 12 as quantizing raw digitized speech and dispatcher 14 as transmitting this quantized speech to a remote server. At column 5, lines 48–55, Barclay describes dispatcher 14 buffering the quantized speech.

In contrast to the recited invention, *nowhere does Barclay describe buffering the raw uncompressed audio format speech and then encoding the buffered raw speech*. In the recited invention, the audio speech is stored in the one or more buffers in a *raw uncompressed audio format* and the audio speech of a buffer is *encoded* to be transmitted to the server. This feature of the invention permits a *reduction in the latency time* from when a user first begins to speak into an audio input device attached to the client, until the speech data is transmitted to the server for speech recognition processing.

For at least this reason, claim 1 should be allowable. Furthermore, claims 2–3, 5–6, and 8 are dependent claims and should be allowable for at least similar reasons.

Claims 9–21 should be allowable for at least similar reasons as described for claim 1 above.

### Claims 4 and 7

Claim 4 recites “said server further comprises the capability to transmit a response to a client, the *response a result of the server’s evaluation of the resultant raw speech* received from the client” and “*the response is in text format*, and a client of said two or more clients comprises a *text-to-speech engine which converts the text format response to audio data*, and an audio output device that said client uses to output the audio data to a user.”

There is no suggestion to combine Barclay and Moshfeghi. And even if Barclay and Moshfeghi were combined, and there is no suggestion that should be done, the combination falls short of the recited invention.

Barclay and Moshfeghi, individually or in combination, do not show or suggest sending a text format response to a client as the result of an *evaluation* of the raw speech received from the client, where the response is converted to audio data. Barclay and Moshfeghi do not show or

suggest speech should be *evaluated* and a *text format response* be sent to a client, where the client converts this to *audio data*.

In an embodiment, the invention is an interactive language learning system where the user (at a client device) says some speech which is sent to and evaluated by a server. Based on the speech evaluation, the server sends back a text format message, which may be converted into audio data for the user at the client. As part of the interactive learning system, this may be used to help the user learn proper pronunciation.

For at least this reason, claim 4 should be allowable.

Claim 7 should be allowable for at least similar reasons as discussed for claim 4 above.

## Conclusion

For the above reasons, applicant believes all claims now pending in this application are in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the examiner believes a telephone conference would expedite prosecution of this application, please contact the undersigned.

Respectfully submitted,

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